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Attorneys for Defendant Pfizer Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARBUTUS BIOPHARMA CORP. and
GENEVANT SCIENCES GMBH,

Plaintiffs,

v.

PFIZER INC. and BIONTECH SE,

Defendants.

Civil Action No. 3:23-cv-01876
(ZNQ-TJB)

**DECLARATION OF
LIZA M. WALSH**

Electronically Filed

I, Liza M. Walsh, hereby declare and state as follows:

1. I am an attorney admitted to practice before this Court and a partner of the law firm of Walsh Pizzi O'Reilly Falanga LLP, counsel for Pfizer Inc. ("Pfizer") in connection with the above-captioned matter. I am familiar with the facts set forth herein as well as the categories and types of information that Pfizer keeps confidential. I am also familiar with the harm that Pfizer would sustain if its confidential information were to become public. I have personal knowledge of the facts set forth in this declaration.

2. I submit this Declaration on behalf of Pfizer in support of the Motion to Seal the following documents or portions thereof which contain Pfizer's confidential information (collectively, "Confidential Materials"):

- a. Defendants' Letter to the Hon. Tonianne J. Bongiovanni, U.S.M.J., dated July 31, 2024 (D.E. 128);
- b. Plaintiffs' Letter to the Hon. Tonianne J. Bongiovanni, U.S.M.J., dated July 31, 2024 (D.E. 129); and
- c. Defendants' Letter to the Hon. Tonianne J. Bongiovanni, U.S.M.J., dated August 8, 2024 (D.E. 131).

3. In support of the motion, an Index has been prepared identifying the specific portions of the foregoing documents Pfizer seeks to maintain under seal and explaining (a) the nature of the materials or proceedings at issue; (b) the legitimate private or public interest which warrant the relief sought; (c) the clearly defined and serious injury that would result if the relief sought is not granted; (d) why a less restrictive alternative to the relief sought is not available; (e) any prior order sealing the same materials in the pending action; and (f) the identity of any party or nonparty known to be objecting to the sealing request. The Index is being submitted concurrently herewith as Exhibit 1.

4. This is a commercial patent dispute between private parties involving confidential information that Pfizer has a legitimate interest in protecting because its competitors in the marketplace could utilize the non-public information to gain an unfair advantage over Pfizer's detriment.

5. Pfizer requests sealing of the Confidential Materials that contain or refer to information that relates to its nonpublic and proprietary competitively sensitive technical information and highly sensitive business information that it maintains in confidence and is of the type that is treated as confidential and proprietary generally. In particular, portions of the Confidential Materials contain information relating to samples of the Accused Product, proposals and negotiations between the parties, and records marked HIGHLY CONFIDENTIAL.

6. The Confidential Materials Pfizer seeks to seal contain and/or reflect information that Pfizer designated as "Confidential" pursuant to the Stipulated Discovery Confidentiality Order, entered by this Court on December 18, 2023 (D.E. 54) ("DCO").

7. There is a substantial public interest in ensuring that the nonpublic highly proprietary information remain confidential and not become public at a later date.

8. Pfizer would suffer a clearly defined, substantial and specific harm, including but not limited to, financial damage, damage to business relationships, damage to commercial standing, and/or other irreparable harm should any of the confidential proprietary, commercial, and competitively sensitive business information contained in the Confidential Materials be publicly disclosed in contravention of the terms of the DCO. Competitors would improperly and unfairly benefit from the disclosure of Pfizer's non-public business information and would likely use the confidential information to enhance their market or negotiation position and cause Pfizer

to lose its competitive advantage in the highly competitive generic pharmaceutical marketplace.

9. There is no less restrictive alternative other than sealing the Confidential Materials, as set forth in the Index submitted concurrently herewith. Pfizer's request is narrowly tailored to seal the confidential information at issue. This is the least restrictive alternative available to protect the non-public confidential information.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

WALSH PIZZI O'REILLY FALANGA LLP

Dated: September 5, 2024

s/ Liza M. Walsh
Liza M. Walsh

EXHIBIT 1

INDEX IN SUPPORT OF MOTION TO SEAL

Material/Title of Document	Basis for Sealing (Legitimate Private or Public Interest Which Warrant the Relief Sought)	Clearly Defined and Serious Injury that Would Result if Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
Letter from Defendants Pfizer Inc. and BioNTech SE to the Hon. Tonianne J. Bongiovanni, U.S.M.J., dated July 31, 2024 (D.E. 128)					
Page 1-2, section 2	Section in entirety after “Letter Order,”	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the	If filed on the public docket, Pfizer would suffer a clearly defined, substantial and specific harm, including but not limited to, financial damage, damage to business relationships, damage to commercial standing, and/or other irreparable harm should any of the confidential proprietary, commercial, and competitively sensitive business information contained in the Confidential Materials be publicly disclosed in contravention of the terms of the DCO. Competitors would improperly and unfairly benefit from the disclosure of Pfizer’s non-public business information and would likely use the confidential	Pfizer requests sealing of only the materials that reflect its confidential information. There is no less restrictive alternative other than sealing the Confidential Materials. Pfizer’s request is narrowly tailored to seal the confidential information at issue. This is the least restrictive alternative available to protect the non-public confidential information. See Walsh Decl. ¶ 9.	See Order, dated July 29, 2024 (D.E. 123) This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case. This text does not disclose specific information

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		<i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.	information to enhance their market or negotiation position and cause Pfizer to lose its competitive advantage in the highly competitive pharmaceutical marketplace. <i>See</i> Walsh Decl. ¶ 8.			regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-

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						RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Letter from Plaintiffs Arbutus Biopharma Corp. and Genevant Sciences, GmbH to the Hon. Tonianne J. Bongiovanni, U.S.M.J., dated July 31, 2024 (D.E. 129)						
Page 1, paragraph 2	Line 4, after “concerns have arisen regarding” until “As to this” on line 7.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly	If filed on the public docket, Pfizer would suffer a clearly defined, substantial and specific harm, including but not limited to, financial damage, damage to business relationships, damage to commercial standing, and/or other irreparable harm should any of the confidential proprietary, commercial, and competitively sensitive business information contained in the Confidential Materials be publicly disclosed in contravention of the terms of the DCO. Competitors would improperly and unfairly benefit from the disclosure of Pfizer’s non-public business information and would likely	Pfizer requests sealing of only the materials that reflect its confidential information. There is no less restrictive alternative other than sealing the Confidential Materials. Pfizer’s request is narrowly tailored to seal the confidential information at issue. This is the least restrictive alternative available to protect the non-public confidential information. See Walsh Decl. ¶ 9.	See Order, dated July 29, 2024 (D.E. 123))	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case. This text does not disclose specific

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		available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.	use the confidential information to enhance their market or negotiation position and cause Pfizer to lose its competitive advantage in the highly competitive pharmaceutical marketplace. <i>See</i> Walsh Decl. ¶ 8.			information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.,</i>

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						No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 1, paragraph 2	Line 10, after “Defendants to disclose” until the end of line 11.	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.	See above.	See above.	See above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the proposed redaction relates to a request that the court compel the disclosure of a non-privileged fact relevant to this litigation, the date on which Pfizer implemented a litigation hold

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						covering samples of the Accused Products. Such information does not reveal competitively sensitive business or supply chain information, let alone a request for such information.
Page 2, paragraph 2	From the beginning of line 2 until “Nonetheless,” on line 7.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It	See above.	See above.	See Order, dated July 29, 2024 (D.E. 123)	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of

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		is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				samples of the Accused Product in this case. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the

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						same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 2, paragraph 2	Line 9, after “availability of” until “Plaintiffs will update”	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 2, “Disputed Issue”	All words between “Disputed Issue:” and “The Order”	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 2, paragraph 3	Line 1, after “Defendants to produce,” until “Nonetheless,” on line 10.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 2, paragraph 3	Line 12, after “Defendants’ ability” until the end of the line.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 2, paragraph 4	Line 1, after “fundamental,” until “Plaintiffs” on line 4.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that

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		proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				Pfizer maintains in confidence. Rather, the discussion relates generally to whether Pfizer has complied with discovery obligations in this case. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’

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						assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 2, paragraph 4	Line 6, after “point in the past” until the end of line 7.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 2, footnote 1	From the beginning of line 1 until “Plaintiffs” on line 2.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that

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		proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to

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						Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 2-3, paragraph 5-1	Line 1, after “Second,” until the end of the paragraph on page 3.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in

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		disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case and whether Pfizer is able to fulfill its discovery obligations. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has

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						produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 3, paragraph 2	Line 1, after “Third, the” until “raises” on line 1.	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive

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		business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer's ability to discuss details of its business during discovery hearings.				business information that Pfizer maintains in confidence. Rather, the discussion relates generally to whether Pfizer has complied with discovery obligations in this case. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell.

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						Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 3, paragraph 2	Line 2, after “compliance with their” until “Hints” on line 2.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 3, paragraph 2	Line 3, after “July 2 hearing, when” until the end of line 4.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 3, footnote 2	Entirety of footnote	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business

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						information that Pfizer maintains in confidence. Rather, the proposed redaction relates to a request that the court compel the disclosure of a non-privileged fact relevant to this litigation, the date on which Pfizer implemented a litigation hold covering samples of the Accused Products. Such information does not reveal competitively sensitive business or supply chain information, let alone a request for such information.

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Page 3, paragraph 2	Line 7, after “60). ³ ” until the end of the paragraph.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.	See above.	See above.	See Order, dated July 29, 2024 (D.E. 123)	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case and whether Pfizer is able to fulfill its discovery obligations. This text does not disclose specific information regarding the

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						samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.),

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						Dkt. No. 385 (denying motion to seal).
Page 3, paragraph 3	Line 2, after “directing Defendants” until “a request”	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.	See above.	See above.	See above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the proposed redaction relates to a request that the court compel the disclosure of a non-privileged fact relevant to this litigation, the date on which Pfizer implemented a litigation hold covering samples of the Accused

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						Products. Such information does not reveal competitively sensitive business or supply chain information, let alone a request for such information.
Page 3, paragraph 3	Line 4, after “basis that” until “Plaintiffs anticipate” on line 5.	See above.	See above.	See above.	See above.	See above.
Page 3, paragraph 3	From the beginning of line 7 until “although Defendant’s”	See above.	See above.	See above.	See above.	See above.
Page 4, paragraph 2	Line 2, after “produced so far,” until “That is” on line 6.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information	See above.	See above.	See Order, dated July 29, 2024 (D.E. 123)	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the

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		public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				selection and production of samples of the Accused Product in this case. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed

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						redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 4, paragraph 2	Line 6, after “mistaken.” until the end of the paragraph.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.
Page 4, paragraph 3	Line 3, after, “concerning” until “Nonetheless,” on line 4.	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the proposed redaction relates to a request

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		chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.				that the court compel the disclosure of a non-privileged fact relevant to this litigation, the date on which Pfizer implemented a litigation hold covering samples of the Accused Products. Such information does not reveal competitively sensitive business or supply chain information, let alone a request for such information.
Page 4, footnote 5	Entirety of footnote	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect	See above.	See above.	See Order, dated July 29, 2024 (D.E. 123)	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business

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		on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case. This text does not disclose specific information regarding the samples such as the processes used to manufacture them or the ingredients used. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See</i>

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						<i>Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Letter from Defendants Pfizer Inc. and BioNTech SE to the Hon. Tonianne J. Bongiovanni, U.S.M.J., dated August 8, 2024 (D.E. 131)						
Page 1, footnote 1	Line 4, after “instruct Defendants to” until the end of the line.	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.	If filed on the public docket, Pfizer would suffer a clearly defined, substantial and specific harm, including but not limited to, financial damage, damage to business relationships, damage to commercial standing, and/or other irreparable harm should any of the confidential proprietary, commercial, and competitively sensitive business information contained in the Confidential Materials be publicly disclosed in contravention of the terms of the DCO.	Pfizer requests sealing of only the materials that reflect its confidential information. There is no less restrictive alternative other than sealing the Confidential Materials. Pfizer’s request is narrowly tailored to seal the confidential information at issue. This is the least restrictive alternative available to protect the non-public confidential information. See Walsh Decl. ¶ 9.	See Order, dated July 29, 2024 (D.E. 123)	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the proposed redaction relates to a request that the court compel the disclosure of a

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			Competitors would improperly and unfairly benefit from the disclosure of Pfizer’s non-public business information and would likely use the confidential information to enhance their market or negotiation position and cause Pfizer to lose its competitive advantage in the highly competitive pharmaceutical marketplace. <i>See</i> Walsh Decl. ¶ 8.			non-privileged fact relevant to this litigation, the date on which Pfizer implemented a litigation hold covering samples of the Accused Products. Such information does not reveal competitively sensitive business or supply chain information, let alone a request for such information.
Page 2, paragraph 1	Line 1, after “described below,” until the end of the line.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.
Page 2, section 1	All words between “1.” And “Are Not Discoverable”	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.
Page 2, paragraph 3	Line 2, after “Defendants’” until “stating that”	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.
Page 2, paragraph 4	Line 1, after “Defendants’ position,” until “That is” on line 3.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.
Page 2, paragraph 4	Line 5, after ““information,”” until ““are protected””	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.

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Page 3, paragraph 2	Line 2, after “Defendants” until “are now”	See above.	See above.	See above.	See above.	See above.
Page 3, section 2	All words between “2.” and “Plaintiffs suggest”	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.	See above.	See above.	See above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case and whether Pfizer is able to fulfill its discovery obligations. This text does not disclose specific

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						information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.,</i>

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						No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 3, paragraph 3	Line 1, after “for Defendants” until “because” on line 2.	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 3, paragraph 3	Line 2, after “because” until “(Letter at 3 & n.4)” on line 3.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or

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		dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case and whether Pfizer is able to fulfill its discovery obligations. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it

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						disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 3, paragraph 3	Line 4, after “authority, that” until “(Letter at 3, emphasis in original)” on line 5.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.

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Page 3, paragraph 3	Line 5, after “wrong because” until the end of the paragraph.	<i>See</i> above; additionally, Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.	<i>See</i> above.	<i>See</i> above.	<i>See</i> above	<i>See</i> above.
Page 3, paragraph 4	Line 1, after “position that Defendants” until “is not reasonable” on line 3.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery	<i>See</i> above.	<i>See</i> above.	<i>See</i> above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in

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		<p>disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing. Additionally, Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary</p>				<p>confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case and whether Pfizer is able to fulfill its discovery obligations. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has</p>

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		generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.				produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal). s
Page 3, paragraph 4	Line 5, after “recognized that” until “(See ECF 107 at 3, ¶3)”	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or

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		dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				highly sensitive business information that Pfizer maintains in confidence. Rather, Pfizer seeks to redact a statement made during a hearing about what may or may not be true regarding Pfizer’s samples.
Page 3, paragraph 4	Line 6, after “at 3, ¶3)” until the end of the paragraph.	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make	See above.	See above.	See above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that

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		proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case. This text does not disclose specific information regarding the samples such as the processes used to manufacture them or the ingredients used. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the same. See Mitsubishi Tanabe

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						Pharma Corp. v. Aurobindo Pharma USA, Inc., No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 3, footnote 3	Entirety of footnote	Pfizer seeks redaction of this text because it contains competitively sensitive information about a proposal made in confidence between Pfizer and Arbutus in an attempt to resolve a discovery dispute. Making such information public would have a chilling effect on Pfizer’s ability to make proposals to resolve discovery disputes. This is not simply a protocol for production, as it provides confidential information about Pfizer’s current product supplies. Making such information public would give Pfizer’s competitors an unfair advantage. It is similar in kind to information that Plaintiffs have agreed to redact in the transcript about the number of samples being produced. It is	See above.	See above.	See above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the discussion relates generally to a protocol for the selection and production of samples of the Accused Product in this case and whether Pfizer is

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		more detailed than the publicly available information from the <i>Moderna</i> litigation that Plaintiffs’ relied on during the hearing.				able to fulfill its discovery obligations. This text does not disclose specific information regarding the samples, such as the processes used to manufacture them or the ingredients used. Nor does it disclose details regarding the amount of vaccines Pfizer has produced or has available to sell, contrary to Defendants’ assertions. Accordingly, Plaintiffs object to Defendants’ proposed redactions and motion to seal the

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						same. <i>See Mitsubishi Tanabe Pharma Corp. v. Aurobindo Pharma USA, Inc.</i> , No. 17-50005-RMB-JS (D.N.J.), Dkt. No. 385 (denying motion to seal).
Page 4, paragraph 1	Line 1, after “Second, Defendants” until “Pursuant” on line 2.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 4, paragraph 1	Line 2, after “July 12 Order” until the end of the paragraph.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 4, paragraph 2	Line 2, after “meet and confer efforts.” until the end of the paragraph.	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 4, paragraph 3	Entire paragraph	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 4, paragraph 4 (bulleted list)	Entire paragraph	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 4, footnote 5	Entire footnote	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 5, footnote 6	Entire footnote	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
Page 5, paragraph 1 (bullet)	Entire paragraph	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>

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Page 5, paragraph 2	Line 2, after “of Defendants” until “especially”	Pfizer requests redaction of this text because it relates to competitively sensitive aspects of Pfizer’s business and supply chain. The materials addressed in this paragraph are not produced by Pfizer in the ordinary course of business or in other litigations. This is the type of business information that Pfizer maintains in confidence and is of the type that is treated as confidential and proprietary generally. Producing this information would have a chilling effect on Pfizer’s ability to discuss details of its business during discovery hearings.	See above.	See above.	See above.	This text does not refer to nonpublic and proprietary or competitively sensitive technical information or highly sensitive business information that Pfizer maintains in confidence. Rather, the proposed redaction relates to a request that the court compel the disclosure of a non-privileged fact relevant to this litigation, the date on which Pfizer implemented a litigation hold covering samples of the Accused Products. Such information does not reveal

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						competitively sensitive business or supply chain information, let alone a request for such information.
Page 5, paragraph 3	Line 2, after “disclosure of” until “or any other”	See above.	See above.	See above.	See above.	See above.
Page 5, paragraph 3	Line 2, after “the Defendants” until “or document preservation” on line 3.	See above.	See above.	See above.	See above.	See above.